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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000578

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SUBJECT: GOI BEGINS TO MAKE SOME PROGRESS IN IMPROVING JUVENILE JUSTICE SYSTEM

REF: BAGHDAD 147

Classified By: Deputy PolCouns Ellen Germain for reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: The GOI has begun to make some progress on addressing overcrowding in the juvenile justice system in Baghdad. The Ministry of Labor and Social Affairs (MOLSA) has identified a suitable site and has begun planning for a new juvenile facility in the 9 Nissan neighborhood and has begun remodeling an existing building behind the overcrowded Tobschi Juvenile Rehabilitation Facility which will allow it to open eight new rooms and increase capacity by 100 beds. However, continued progress will likely require continued USG engagement. END SUMMARY.

¶2. (C) Spurred by the threat of losing USG funding, the Ministry of Labor and Social Affairs (MOLSA) has identified a suitably-sized plot of land in the 9 Nissan neighborhood of Baghdad on which to build a new juvenile facility (reftel), and Baghdad PRT (which granted the funding of \$3.5 million seven months ago through the Provincial Reconstruction Development Committee) has begun planning for the 200-bed juvenile facility. In order to get buy-in from MOLSA on the project and increase internal capacity building, PRTOffs are coordinating all aspects of planning with MOLSA officials. On February 19, engineers and planners from both organizations worked together on the blueprints, ensuring that all needs were met. MOLSA officials identified training needs associated with the new building and will work with Baghdad PRT to increase future training programs for staff.

¶3. (C) At Tobschi Juvenile Rehabilitation Facility, where capacity is at over 200 percent, resulting in no room for classrooms and training and a shortage of medical and other supplies for the pre-trial detainees, some progress has been made with the MOLSA-led effort to increase facility size. In a January 30 meeting, Minister of Labor and Social Affairs Mahmud Muhammad Jawad al-Radi, upon questioning by PRTOffs, became visibly angry that his staff had not actively worked on the Tobschi problem (reported reftel) and had not yet identified a company to build new space and rehabilitate the other existing building behind Tobschi. An ensuing argument led to promises by the head of planning and head of juveniles to speed up plans for expanding Tobschi. Three weeks later at a February 21 meeting, Judge Sabri, a Juvenile Investigative Hearing Judge at the Central Criminal Court of Iraq (CCC-I), said the GOI is in the process of remodeling the existing building behind Tobschi, which will allow it to open eight new rooms and increase capacity by 100 beds. Some of these rooms may be used for housing; some may be used for vocational training. Tobschi is currently so overcrowded that there is not enough room or staff to provide the juveniles with any vocational training or education.

¶4. (C) According to Judge Sabri, one of the biggest impediments to moving pre-trial juveniles at Tobschi to post-trial Karkh is the delay in completing age determination

tests and psychological studies, both of which are required before a juvenile goes to trial. These tests are supposed to happen at Tobschi, but with the overcrowding and understaffing, the juvenile detainees there and those housed at MNF-I-run Camp Cropper have been unable to be quickly processed. Eighty juveniles are housed at Cropper due to lack of space at Tobschi, but this has made it even harder to conduct tests on them since GOI officials will only do the tests at Tobschi. GOI officials and PRTOffs have discussed possible alternatives at the JJCC meetings, but the doctors are unwilling to travel to Cropper and will only work at Tobschi. (Note: Parents of juveniles detained at Cropper do not favor transfer to GOI facilities due to the education opportunities at Cropper. End Note.)

¶15. (C) In efforts to help GOI officials speed up the process of trying juveniles and relieve the strains on the pre-trial facility at Tobschi, Post is holding regular meetings with all relevant actors to coordinate activities and enhance cooperation, and has assigned a USG advisor to MOLSA. PRTOffs have strongly encouraged wider GOI participation in the JJCC meetings, and by February 21 two MOLSA officials finally attended a meeting. The USG and GOI have also been working with UNICEF, which recently published a report detailing steps for the GOI to take to improve its juvenile justice system. The report was the result of a December UNICEF conference in Amman that included GOI and USG participation, and at USG urging, Judge Sabri agreed at the February 21 JJCC to adopt this report as a roadmap for improving the system.

¶16. (C) COMMENT: Some action is now being taken by the GOI to begin addressing the problems of overcrowding and judicial bottlenecks in the juvenile justice system, but continued

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progress is likely to require considerable continued USG engagement. Successful construction of the new facility (which may be named the Rusafa Juvenile Rehabilitation Facility) and expansion of Tobschi will require continued buy-in from MOLSA and other GOI institutions; and more progress will need to be made on finding a solution to the problem of conducting the necessary pre-trial tests of juveniles housed at Cropper. PRTOffs will continue to explore possibilities for resolving this with the GOI; and Post will continue to engage closely overall with the GOI and work to foster its sense of ownership of all these juvenile justice projects. END COMMENT.

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